

ARTICLE I. IN GENERAL

Sec. 2-1. Time, place for regular council meetings.

(a) The regular meetings of the city council shall be held on the second and fourth Tuesdays of each calendar month at the hour of 7:30 p.m. at the Twin Pines Senior and Community Center at 1223 Ralston Avenue, Belmont, California.

(b) The city council shall meet for the purpose of conducting study sessions on the second and fourth Tuesdays of each calendar month at the hour of 7:15 p.m. at the Twin Pines Senior and Community Center at 1223 Ralston Avenue, Belmont, California.

(c) All meetings (including special meetings) shall be adjourned not later than the hour of 10:30 p.m. unless the council by a vote of all but one (1) of the councilmembers present at the meeting elect to continue the meeting to a later hour or to reconvene at a later date.

(Code 1961, § 2-1; Ord. No. 584, § 1, 9-23-74; Ord. No. 572, § 1, 5-10-76; Ord. No. 618, § 1, 2-27-78; Ord. No. 664, § 1, 12-5-79; Ord. No. 670, § 1, 3-11-80; Ord. No. 676, § 2, 5-27-80; Ord. No. 690, § 1, 6-23-81; Ord. No. 802, § 1, 8-23-88; Ord. No. 893, § 1, 5-9-95)

Sec. 2-2. Reserved.

Editor's note—Ord. No. 572, § 2, adopted May 10 1976, specifically amended the Code by repealing § 2.1-1 of the 1961 Code, heretofore included herein as § 2-2. Said section, which had pertained to council study sessions, had been additionally derived from Ord. No. 493, § 1, adopted Dec. 11, 1972. Study sessions are now governed by § 2-1(b).

Sec. 2-3. Compensation of councilmembers.

Pursuant to the provisions of section 36516 of the Government Code of the state, the salaries of the members of the city council shall be increased ninety dollars (\$90.00) to a total monthly salary of three hundred ninety dollars (\$390.00). The increase shall become effective upon any member of the city council beginning a new term of office. (Code 1961, § 2.1-2; Ord. No. 696, § 1, 2-23-82; Ord. No. 818, § 1, 9-12-89; Ord. No. 896, § 1, 6-27-95)

State law reference—Compensation of councilmen, Gov. Code, § 36516.2.

Sec. 2-4. Ordinances to be posted.

There being no newspaper of general circulation printed and published within the city, every

ordinance adopted by the council shall be posted within fifteen (15) days after the day of its final passage, on the bulletin boards at the following three (3) public places in the city:

- (a) The city hall;
 - (b) The post office; and,
 - (c) Fire Station No. 1.
- (Code 1961, § 2.2)

State law reference—Posting of ordinances, Gov. Code, 36933.

Sec. 2-5. Reserved.

Editor's note—Section 2-5, requiring publication of ordinances in the *Belmont Courier-Bulletin*, derived from Code 1961, § 2.3, was repealed by § 1 of Ord. No. 676, adopted May 27, 1980.

Sec. 2-6. Bonds of city clerk and city treasurer.

The city clerk and city treasurer respectively, before entering upon the duties of their respective offices shall each execute a bond to the city in the penal sum recommended by the city attorney and fixed by resolution of the council.

(Code 1961, § 2.4)

State law reference—Similar provisions, Gov. Code, § 36518.

Sec. 2-7. Specifications for public works.

The standard specifications of the city, prepared and published in March, 1991, regulating the award and execution of contracts for the construction of public works and the construction of public works within the city printed in book form and three (3) copies of which are filed in the office of the city clerk concurrently with the adoption of this section, are hereby adopted and by reference incorporated herein as if fully set forth, except as hereinafter otherwise provided, as the "Standard Specifications Ordinance for Public Works of the City of Belmont."

The standard specifications may be amended, modified, altered or changed by a resolution duly adopted by the city council.

Where circumstances arise which would make compliance with the standard specifications unfeasible or not to the best advantage of the city, the city manager upon receipt of a recommenda-

tion in writing from the city engineer may authorize noncompliance or deviation from the standard specifications.

(Code 1961, § 2.4-1; Res. No. 6989, 5-28-91)

Secs. 2-8–2-18. Reserved.

ARTICLE II. CITY MANAGER*

Sec. 2-19. Office created; appointment, qualifications, term.

The office of the city manager is hereby created and established. The city manager shall be appointed by the city council wholly on the basis of his administrative and executive ability and qualifications and shall hold office for and during the pleasure of the city council.

(Code 1961, § 2.5)

Sec. 2-20. Residence requirement.

Residence in the city at the time of appointment of a city manager shall not be required as a condition of the appointment, but within one hundred eighty (180) days after reporting for work, the city manager must become a resident of the city, unless the city council approves his residence outside the city.

(Code 1961, § 2.5-1)

State law reference—Residence not required at time of appointment, Gov. Code, § 34855.

Sec. 2-21. Eligibility of council members.

No member of the city council shall be eligible for appointment as city manager until one year has elapsed after such council member shall have ceased to be a member of the city council.

(Code 1961, § 2.5-2)

Sec. 2-22. Acting city manager.

The assistant city manager-director of finance shall serve as manager pro tempore during any temporary absence or disability of the city manager. In the event there is no assistant city manager-director of finance, the city manager, by filing a written notice with the city council, shall designate a qualified city employee to exercise the powers and perform the duties of city manager during his temporary absence or disability. Should

***State law reference**—Managers generally, Gov. Code, § 34851 et seq.

the city manager's absence or disability continue for more than thirty (30) days the city council may appoint an acting city manager.

(Code 1961, § 2.5-4)

Sec. 2-23. Surety bond required.

The city manager and acting city manager shall furnish a corporate surety bond to be approved by the city council in such sum as may be determined by the city council and shall be conditioned upon the faithful performance of the duties imposed upon the city manager and acting city manager as herein prescribed. Any premium for such bond shall be a proper charge against the city.

(Code 1961, § 2.5-3)

Sec. 2-24. Compensation.

The salary for the city manager shall be such as is set by the city council from time to time.

(Code 1961, § 2.6)

Sec. 2-25. Powers and duties generally.

The city manager shall be the administrative head of the government of the city under the direction and control of the city council, except as otherwise provided in this article. He shall be responsible for the efficient administration of all the affairs of the city which are under his control. In addition to his general powers as administrative head, and not as a limitation thereon, it shall be his duty and he shall have the powers set forth in the following sections.

(Code 1961, § 2.7)

State law reference—Ordinance to define powers and duties of manager, Gov. Code, § 34852.

Sec. 2-26. Law enforcement.

It shall be the duty of the city manager to enforce all laws and ordinances of the city and to see that all franchises, contracts, permits and privileges granted by the city council are fulfilled.

(Code 1961, § 2.7)

Sec. 2-27. General authority over personnel.

It shall be the duty of the city manager and he shall have the authority to control, order and give directions to all heads of departments and to subordinate officers and employees of the city except the city attorney and city planning consultant. (Code 1961, § 2.7)

Sec. 2-28. Power of appointment and removal.

It shall be the duty of the city manager to appoint, remove, promote and demote any and all nonelective employees of the city, subject to all applicable personnel ordinances, rules and regulations and directives of the city council except the city attorney and city planning consultant. Heads of departments shall be appointed or removed subject to confirmation by the city council. (Code 1961, § 2.7)

Sec. 2-29. Administrative reorganization.

It shall be the duty and responsibility of the city manager to conduct studies and effect such administrative reorganization of offices, positions or units under his direction as may be indicated in the interest of efficient, effective and economical conduct of the city's business. (Code 1961, § 2.7)

Sec. 2-30. Recommendation of ordinances and measures.

The city manager shall, and it shall be his duty to, recommend to the city council for adoption such measures and ordinances as he deems necessary. (Code 1961, § 2.7)

Sec. 2-31. Attendance at meetings.

(a) It shall be the duty of the city manager to attend all meetings of the city council and planning commission unless at his request he is excused therefrom by the mayor individually or the city council, except when his removal is under consideration.

(b) The city manager may attend any and all meetings of the recreation and park commission, personnel board, and any other commissions, boards or committees created by the city council, upon his own volition or upon direction of the city council. At such

meetings which the city manager attends, he shall be heard by such commissions, boards or committees as to all matters upon which he wishes to address the members thereof, and he shall inform such members as to the status of any matter being considered by the city council, and he shall cooperate to the fullest extent with the members of the commissions, boards or committees appointed by the city council. (Code 1961, §§ 2.7, 2.8)

Sec. 2-32. Financial reports.

It shall be the duty of the city manager to keep the city council at all times fully advised as to the financial condition and needs of the city. (Code 1961, § 2.7)

Sec. 2-33. Budgetary duties.

It shall be the duty of the city manager to prepare and submit the proposed annual budget and the proposed annual salary plan to the city council for its approval on or before the first day of May of each year unless the time for submission is extended by the city council. (Code 1961, § 2.7)

Sec. 2-34. Investigations and complaints.

It shall be the duty of the city manager to make investigations into the affairs of the city and any department or division thereof, and any contract or the proper performance of any obligations of the city. Further, it shall be the duty of the city manager to investigate all complaints in relation to matters concerning the administration of the city government and in regard to the service maintained by public utilities in the city. (Code 1961, § 2.7)

Sec. 2-35. Control of expenditures and purchasing.

The city manager shall be the purchasing officer of the city and it shall be the duty of the city manager to see that no expenditures shall be submitted or recommended to the city council except on approval of the city manager or his authorized representative and that all purchases shall be made pursuant to the provisions of article V of this chapter. The city manager or his authorized representative shall be responsible for the purchase of all

supplies for all the departments or divisions of the city.

(Code 1961, § 2.7)

State law reference—Purchases by local agencies, Gov. Code, § 54201.

Sec. 2-36. Supervision of public property.

It shall be the duty of the city manager to, and he shall, exercise general supervision over all public buildings, public parks and all other public property which is under the control and jurisdiction of the city council.

(Code 1961, § 2.7)

Sec. 2-37. Other powers, duties.

It shall be the duty of the city manager to perform such other duties and exercise such other powers as may be delegated to him from time to time by ordinance or resolution or other official action of the city council.

(Code 1961, § 2.7)

Sec. 2-38. Implementation of council policies.

The policies of the city council shall be implemented through the city manager.

(Code 1961, § 2.8)

Sec. 2-39. Assistance by clerk and treasurer.

It shall be the duty of the city clerk and city treasurer to assist the city manager in administering the affairs of the city efficiently, economically and harmoniously.

(Code 1961, § 2.8)

Sec. 2-40. Removal.

(a) The removal of the city manager may be effected only by the vote of three (3) councilmen.

(b) In the event the tenure of the city manager is terminated other than by his voluntary resignation or demonstrable malfeasance in office, he shall continue to receive his current salary for a period of ninety (90) days, unless otherwise specified by the unanimous vote of all of the members of the city council.

(Code 1961, § 2.8-1)

Sec. 2-41. Agreements on employment.

Nothing in this Code shall be construed as a limitation on the power or authority of the city council to enter into any supplemental agreement with the city manager delineating additional

terms and conditions of employment not inconsistent with any provisions of this Code.

(Code 1961, § 2.8-2)

Secs. 2-42–2-52. Reserved.

ARTICLE III. ASSISTANT CITY MANAGER-FINANCE DIRECTOR

Sec. 2-53. Office created; accounting officer of city.

The office of assistant city manager-finance director is hereby created and established. The assistant city manager-finance director shall be the accounting officer of the city and shall consolidate all accounting matters of the city in this office, as an entirely separate and distinct entity from all other departments.

(Code 1961, § 2.80; Ord. No. 734, § 1, 5-28-85; Ord. No. 863, § 1, 7-14-92)

Sec. 2-54. Appointment.

This office shall be appointive, and the assistant city manager-finance director shall be appointed by the city manager.

(Code 1961, § 2.81; Ord. No. 734, § 1, 5-28-85; Ord. No. 863, § 1, 7-14-92)

Sec. 2-55. Qualifications.

The assistant city manager-finance director shall be qualified by sufficient technical skills and experience to be proficient in the office and knowledge of principles, problems and methods of public and business administration applied to a municipality, including organization, personnel, purchasing and fiscal management and office management principles and procedures.

(Code 1961, § 2.82; Ord. No. 734, § 1, 5-28-85; Ord. No. 863, § 1, 7-14-92)

Sec. 2-56. Surety bond required.

The assistant city manager-finance director shall furnish to the city a corporate surety bond to be approved and paid for by the city in such a sum as may be determined by the city council and shall be conditioned upon the faithful performance of the duties imposed on the assistant city manager-finance director as prescribed by this article. The

bond fee shall be a proper charge against such funds as the city council shall designate.
(Code 1961, § 2.83; Ord. No. 734, § 1, 5-28-85; Ord. No. 863, § 1, 7-14-92)

Sec. 2-57. Compensation.

The assistant city manager-finance director shall receive such compensation as the city council shall from time to time determine, and such compensation shall be a proper charge against such funds of the city as the city council shall designate.

(Code 1961, § 2.84; Ord. No. 734, § 1, 5-28-85; Ord. No. 863, § 1, 7-14-92)

Sec. 2-58. To be head of department of finance.

The assistant city manager-finance director shall be the head of the finance department of the city.

(Code 1961, § 2.85; Ord. No. 734, § 1, 5-28-85; Ord. No. 863, § 1, 7-14-92)

Sec. 2-59. Administration of fiscal affairs.

The assistant city manager-finance director shall have charge of the administration of the financial affairs of the city under the direction of the city manager.

(Code 1961, § 2.85; Ord. No. 734, § 1, 5-28-85; Ord. No. 863, § 1, 7-14-92)

Sec. 2-60. Budgetary duties.

The assistant city manager-finance director shall compile the budget expense and income estimates for the city council, and submit them to the city manager.

(Code 1961, § 2.85; Ord. No. 734, § 1, 5-28-85; Ord. No. 863, § 1, 7-14-92)

Sec. 2-61. Duty to maintain accounting system.

The assistant city manager-finance director shall maintain a general accounting system for the city government and each of the offices, departments and agencies.

(Code 1961, § 2.85; Ord. No. 734, § 1, 5-28-85; Ord. No. 863, § 1, 7-14-92)

Sec. 2-62. Control over disbursements.

The assistant city manager-finance director shall supervise and be responsible for the disburse-

ment of all moneys and have control of all expenditures, audit all purchase orders before issuance; audit and approve before payment by the city council and treasurer all bills, invoices, payrolls, demands or other charges against the city government and with the advice of the city attorney, when necessary, determine the regularity, legality and correctness of such claims, demands or charges to ensure that budget appropriations are not exceeded.

(Code 1961, § 2.85; Ord. No. 734, § 1, 5-28-85; Ord. No. 863, § 1, 7-14-92)

Sec. 2-63. Duty to make financial reports.

The assistant city manager-finance director shall submit to the city council a quarterly statement of all receipts and disbursements in sufficient detail to show the exact financial condition of the city; and, as of the end of each fiscal year, submit a complete financial statement and report.

(Code 1961, § 2.85; Ord. No. 734, § 1, 5-28-85; Ord. No. 863, § 1, 7-14-92)

Sec. 2-64. Duty to keep property inventory.

The assistant city manager-finance director shall supervise the keeping of current inventories of all property of the city by all city departments, offices and agencies.

(Code 1961, § 2.85; Ord. No. 734, § 1, 5-28-85; Ord. No. 863, § 1, 7-14-92)

Sec. 2-65. Reserved.

Sec. 2-66. Performance of financial duties of clerk.

The assistant city manager-finance director shall perform all the financial and accounting duties heretofore imposed upon the city clerk; and the city clerk shall at such time be relieved of all such duties, including all such duties imposed upon the city clerk by article 3, chapter 2, part 3, division 3, title 4 and by sections 40802 through 40805 inclusive of the Government Code of the state.

(Code 1961, § 2.85; Ord. No. 734, § 1, 5-28-85; Ord. No. 863, § 1, 7-14-92)

Editor's note—Pursuant to Gov. Code, § 40805.5, the council adopted Res. No. 3555 to implement the above section.

State law reference—Authority to transfer financial duties, Gov. Code, § 40805.5.

Sec. 2-67. Other functions.

The assistant city manager-finance director shall perform such other functions as the city council may from time to time specify. This position shall assist the city manager as directed, in carrying out the duties and responsibilities of the city manager's office. During absences of the city manager and upon instruction of the city manager or city council, this position shall perform all duties and exercise all authority of the city manager.

ARTICLE IIIA. RESERVED*

Secs. 2-68–2-78. Reserved.

***Editor's note**—Section 2 of Ord. No. 863, adopted July 14, 1992, repealed Art. IIIA in its entirety. Formerly, Art. IIIA consisted of §§ 2-68 and 2-69, which pertained to assistant city manager/recreation superintendent and derived from § 2 of Ord. No. 734, adopted May 28, 1985.

ARTICLE IV. PERSONNEL*

Sec. 2-79. System adopted; purposes.

In order to establish an equitable and uniform procedure for dealing with personnel matters; to attract to municipal service the best and most competent persons available; to assure that appointments and promotions of employees will be based on merit and fitness as determined by competitive test; and, to provide a reasonable degree of security for qualified employees, the following personnel system is hereby adopted. (Code 1961, § 2.9)

Sec. 2-80. Position of officer created; combination with other offices; qualifications.

There is hereby created the position of personnel officer. The duties of personnel officer may be combined with those of any other office or position. The personnel officer shall have had training or experience in personnel administration. (Code 1961, § 2.10)

State law reference—Authority to create position of officer, Gov. Code, § 45004.

Sec. 2-81. General duties of officer.

The personnel officer shall:

- (a) Administer all the provisions of this article and of the personnel rules and regulations.
- (b) Prepare and recommend to the council revisions and amendments to the personnel rules and regulations. The city attorney shall approve the legality of such revisions and amendments prior to their submission to the council.
- (c) Prepare and maintain a position classification plan, including class specifications, and revisions of the plan.
- (d) Following salary negotiations with representatives of recognized employee organizations, prepare a plan of compensation, and revisions thereof, covering all classifications in the competitive service. The plan and any revisions thereof shall become effective upon approval by the council. (Code 1961, § 2.11; Ord. No. 748, § 1, 5-27-86)

State law reference—Authority to prescribed duties of officer, Gov. Code, § 45004.

***State law references**—Authority to establish personnel system, Gov. Code, § 45001; political activities of public employees, Gov. Code, § 3201 et seq.

Supp. No. 9

Secs. 2-82—2-87. Reserved.

Editor's note—Section 3 of Ord. No. 748, adopted May 27, 1986, repealed §§ 2-82—2-87, relating to the personnel board, derived from Code 1961, §§ 2.12—2.16, and Ord. No. 487, § 7, adopted July 10, 1972.

Sec. 2-88. Positions covered and exempted.

The provisions of this article shall apply to all offices, positions and employments in the service of the city except:

- (a) Elective offices.
- (b) Positions on appointive boards, commissions and committees.
- (c) Persons employed under contract to supply expert, professional or technical services for a definite period of time.
- (d) Volunteer personnel who receive no regular compensation from the city.
- (e) City attorney and city manager and his immediate staff.
- (f) Seasonal part-time employees and employees in temporary positions.
- (g) Department heads. (Code 1961, § 2.17; Ord. No. 748, § 2, 5-27-86)

State law reference—Included personnel to be designated, Gov. Code, § 45005.

Sec. 2-89. Personnel rules.

Personnel rules, prepared by the personnel officer subject to this article and to revision by the council, shall be adopted by resolution of the council, establishing specific procedures and regulations governing all phases of the personnel system. (Code 1961, § 2.18)

Editor's note—The personnel rules referred to above were adopted by Res. No. 3725.

Sec. 2-90. Appointments in competitive service.

Appointments to vacant positions in the competitive service shall be made in accordance with the personnel rules and regulations. Appointments and promotions shall be based on merit and fitness to be ascertained so far as practicable by competitive test. Appointments shall be made by the city manager, or by the officer in whom the power to make appointments is vested by law. (Code 1961, § 2.19)

Secs. 2-91—2-101. Reserved.

ARTICLE V. PURCHASING*

DIVISION 1. GENERALLY

Sec. 2-102. System adopted.

In order to establish efficient procedures for the purchase of supplies and equipment, to secure for the city supplies and equipment at the lowest possible cost commensurate with quality needed, to exercise positive financial control over purchases, to clearly define authority for the purchasing function and to assure the quality of purchases, a purchasing system is hereby adopted. (Code 1961, § 2.50)

Sec. 2-103. Powers and duties of officer.

The purchasing officer shall have authority and it shall be his duty to:

- (a) Purchase or contract for supplies and equipment required by any using agency or department in accordance with purchasing procedures prescribed by this article, such administrative regula-

*State law references—Authority to adopt purchasing policies and procedures, Gov. Code, § 54201 et seq.; adoption to be by ordinance, § 54203.

tions as the purchasing officer shall adopt and such other rules and regulations as shall be adopted by resolution by the city council.

- (b) Negotiate and recommend execution of contracts for the purchase of supplies and equipment.
- (c) Act to procure for the city the needed quality in supplies and equipment at least expense to the city.
- (d) Discourage uniform bidding and endeavor to obtain as full and open competition as possible on all purchases.
- (e) Prepare and recommend to the city council rules governing the purchase of supplies and equipment for the city.
- (f) Prepare and recommend to the city council revisions and amendments to the purchasing rules at the commencement of each fiscal year.
- (g) To subscribe to such trade journals and maintain membership in such professional purchasing agent organizations as shall be necessary to keep informed on current developments in the field of purchasing, prices, market conditions and new products.
- (h) Prescribe and maintain such forms as are reasonably necessary to the operation of this article and other rules and regulations.
- (i) Require the inspection by the department heads of the various departments of the city of all supplies and equipment purchased to insure conformance with specifications.
- (j) Recommend to the city manager the transfer of surplus or unused supplies and equipment between departments as needed and the sale of all supplies and equipment which cannot be used by any agency or department or which have become unsuitable for city use.
- (k) Maintain a suppliers list, vendors' catalog file and records needed for the efficient operation of the purchasing department. (Code 1961, § 2.52)

Sec. 2-104. Purchases independent of purchasing department.

The purchasing officer, with approval of the city council, may authorize, in writing, any agency to purchase or contract for specified supplies and equipment independently of the purchasing department, but he shall require that such purchases or contracts shall be made in conformity with the procedures established by this article and shall further require periodic reports from the agency on the purchases and contracts made under such written authorization. (Code 1961, § 2.53)

Sec. 2-105. Requisitions required.

Using agencies shall submit requests for supplies and equipment to the purchasing officer by standard requisition forms. (Code 1961, § 2.54)

Sec. 2-106. Purchase orders required.

Purchases of supplies and equipment shall be made only by purchase order. (Code 1961, § 2.56)

Sec. 2-107. Purchases to be from unencumbered appropriations; exception.

Except in cases of emergency, the purchasing officer shall not issue any purchase order for supplies or equipment unless there exists an unencumbered appropriation in the fund account against which the purchase is to be charged. (Code 1961, § 2.57)

Sec. 2-108. Inspection and testing.

The purchasing officer shall have authority to require chemical and physical tests of samples submitted with bids and samples of deliveries which are necessary to determine their quality and conformance with specifications. (Code 1961, § 2.60)

Secs. 2-109—2-114. Reserved.

DIVISION 2. PURCHASES ON BIDS

Sec. 2-115. When bidding required; exceptions.

Purchases of supplies and equipment shall be by bid procedures pursuant to this division when required herein. Bidding shall be

dispensed with only when an emergency requires that an order be placed with the nearest available source of supply, when the amount involved is less than two hundred dollars (\$200.00) or when the commodity can be obtained from only one vendor. (Code 1961, § 2.55)

Sec. 2-116. Bid and formal contract required for purchases exceeding five thousand dollars.

Except as otherwise provided herein, purchases and contracts for supplies and equipment of estimated value greater than five thousand dollars (\$5,000.00) shall be by written contract with the lowest responsible bidder pursuant to the procedure prescribed by this division. (Code 1961, § 2.58; Ord. No. 698, § 1, 4-14-82)

Sec. 2-117. Notice inviting bids required.

Notice inviting bids shall include a general description of the articles to be purchased, shall state where bid blanks and specifications may be secured and the time and place for opening bids. (Code 1961, § 2.58)

Sec. 2-118. Publication of notice inviting bids.

Notices inviting bids shall be published at least ten (10) days before the date of opening of the bids. Notice shall be in a newspaper of general circulation printed and published in the city, or if there is none, it shall be posted in at least three (3) public places in the city that have been designated by ordinance as the places for posting public notices. (Code 1961, § 2.58)

Sec. 2-119. Solicitation of listed suppliers.

The purchasing officer shall also make written solicitation of sealed bids from all responsible prospective suppliers whose names are on the suppliers' list or who have requested their names to be added thereto. (Code 1961, § 2.58)

Sec. 2-120. Advertising on bulletin board.

The purchasing officer shall also advertise pending purchases by a notice posted on a public bulletin board in the city hall. (Code 1961, § 2.58)

Sec. 2-121. Bidder's security.

When deemed necessary by the purchasing officer, bidder's security may be prescribed in the public notices inviting bids. Bidders shall be entitled to return of bid security; provided, that a successful bidder shall forfeit his bid security upon refusal or failure to execute the contract within ten (10) days after the notice of award of contract has been mailed unless the city is responsible for the delay. The city council may, on refusal or failure of the successful bidder to execute the contract, award it to the next lowest responsible bidder. If the city council awards the contract to the next lowest bidder, the amount of the lowest bidder's security shall be applied by the city to the difference between the low bid and the second lowest bid, and the surplus, if any, shall be returned to the lowest bidder. (Code 1961, § 2.58)

Sec. 2-122. Bid opening procedure.

Sealed bids shall be submitted to the purchasing officer and shall be identified as bids on the envelope. Bids shall be opened in public at the time and place stated in the public notices. A tabulation of all bids received shall be open for public inspection during regular business hours for a period of not less than thirty (30) calendar days after the bid opening. (Code 1961, § 2.58)

Sec. 2-123. Rejection of bids.

In its discretion, the city council may reject any and all bids presented and readvertise for bids. (Code 1961, § 2.58)

Sec. 2-124. Award to lowest and best bidder.

Contracts shall be awarded by the city council to the lowest responsible bidder except as otherwise provided herein. (Code 1961, § 2.58)

Sec. 2-125. Tie bids.

If two (2) or more bids are received for the same total amount or unit price, quality and service being equal and if the public interest will not permit the delay of readvertising for bids, the city council may accept the one it chooses or accept the lowest bid made by negotiation with the tie bidders at the time of the bid opening. (Code 1961, § 2.58)

Sec. 2-126. Performance bonds.

The city council shall have authority to require a performance bond before entering a contract in such amount as it shall find reasonably necessary to protect the best interest of the city. If the city council requires a performance bond, the form and amount of the bond shall be described in the notice inviting bids. (Code 1961, § 2.58)

Secs. 2-127—2-132. Reserved.

DIVISION 3. OPEN MARKET PROCEDURES

Sec. 2-133. Authorized.

Purchases of supplies, equipment and professional services of an estimated value in the amount of five thousand dollars (\$5,000.00) or less may be made by the purchasing officer in the open market without observing the procedure prescribed by division 2 of this article. (Code 1961, § 2.59; Ord. No. 728, § 1, 1-8-85)

Sec. 2-134. Minimum number of bidders; to whom let.

Open market purchases shall, whenever possible, be based on at least three (3) bids and/or proposal and shall be awarded to the lowest responsible bidder and/or proposal in the best interest of the city. (Code 1961, § 2.59; Ord. No. 728, § 1, 1-8-85)

Sec. 2-135. Solicitation of bids.

The purchasing officer shall solicit bids by written requests to prospective vendors or by telephone and prospective vendors may place their name on the city's list of vendors to be considered for appropriate bids and proposals. (Code 1961, § 2.59; Ord. No. 728, § 1, 1-8-85)

Sec. 2-136. Submission and record of bids.

Sealed written bids and/or proposals shall be submitted to the purchasing officer who shall keep a record of all open market orders, bids and proposals. Records while so kept shall be open to public inspection. (Code 1961, § 2.59; Ord. No. 728, § 1, 1-8-85)

Secs. 2-137—2-147. Reserved.

ARTICLE VI. ENVIRONMENTAL OFFICER

Sec. 2-148. Position created; appointment, tenure.

There is hereby created the position of environmental officer, to be appointed by and serve at the pleasure of the city council. (Code 1961, § 2.86)

Sec. 2-149. Duties.

The environmental officer shall be responsible for advising the city council and the several boards and commissions of the city on various matters that may affect its esthetic qualities and environmental values. As a part of his duties, he shall be charged with the responsibility of making recommendations on specific developments which may occur within or outside the corporate limits of the city and which may have an adverse impact upon the community, including but not limited to developments having a potential of creating noise, air, water and land use pollution. (Code 1961, § 2.87)

Sec. 2-150. Reserved.

ARTICLE VII. FINANCE COMMISSION

Sec. 2-151. Commission created; composition.

There is hereby created a finance commission consisting of nine (9) members who shall be appointed by the city council. The city manager and city finance director during their respective official tenures shall be advisory members of the commission without vote. (Ord. No. 610, § 1, 9-26-77)

Sec. 2-152. Procedure for appointment to the commission.

Appointment of initial commission members shall be made by the city council from recommendations submitted by the finance committee. Subsequent appointments shall be made by the city council from recommendations submitted by the finance commission. (Ord. No. 610, § 1, 9-26-77)

Sec. 2-153. Terms of finance commissioners; vacancies.

Members of the commission shall serve for a term of three (3) years without compensation. The terms of the present members of the commission (as of September 30, 1985) are extended to the last day of the month of February following the last day of the month of September upon which the terms to which they are appointed expire. The present members of the commission shall continue in office for the terms to which they were appointed and as extended. Thereafter, the city council shall appoint commissioners to fill the offices as the terms of the members expire. Appointments shall be for a term of three (3) years commencing on the first day of March and ending on the last day of February.

Vacancies on the commission occurring otherwise than by expiration of a term of office shall be filled by the city council for the unexpired term of the commissioner ceasing to be a member of the commission.

(Ord. No. 610, § 1, 9-26-77; Ord. No. 740, § 3, 11-12-85)

Sec. 2-154. Officers of the commission.

The members of the commission shall meet in regular session and elect from their members a chairman and vice-chairman. The duties of such officers shall respectively be such as are usually performed by such officers. Officers shall hold office for one (1) year or until their successors are elected.

(Ord. No. 610, § 1, 9-26-77; Ord. No. 918, § 1, 9-9-97)

Sec. 2-155. Commission rules of procedure; meetings.

The commission shall adopt rules and regulations to govern its procedure. The regular meetings of the commission should be held twice a month at a date and time set by the commission in the city hall at 1070 Sixth Avenue, Belmont, California, or another designated location within the city. Notice of commission meetings shall be given as required by the California Government Code.

(Ord. No. 610, § 1, 9-26-77; Ord. No. 918, § 2, 9-9-97)

Sec. 2-156. Quorum for commission; effect of absences.

A majority of the regular voting members of the commission shall constitute a quorum. Absence from three (3) consecutive regular meetings, without the approval of the commission shall be deemed to constitute retirement of such member and the office may be declared vacant by the commission. (Ord. No. 610, § 1, 9-26-77; Ord. No. 918, § 3, 9-9-97)

Sec. 2-157. Commission minutes.

Minutes of the commission's meetings shall be kept and shall be filed with the city clerk. Copies shall be made available to the city manager and members of the city council.

(Ord. No. 610, § 1, 9-26-77)

Sec. 2-158. Commission duties.

The duties of the commission shall be:

- (1) Participate in the budget review process.
- (2) As requested by the city council, based on financial considerations, evaluate proposals, programs and contracts for both the long and short term financial consequences, assess alternatives and make appropriate recommendations.
- (3) Serve as the audit committee for the city council.
- (4) Conduct an annual review of the city's investment policy.
- (5) Perform such other duties as may be assigned to the commission by the city council.

(Ord. No. 610, § 1, 9-26-77; Ord. No. 918, § 4, 9-9-97)

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